

## **South Carolina Office of Appellate Defense ANNUAL ACCOUNTABILITY REPORT: Fiscal Year 2002-2003**

### **Executive Summary**

The United States Constitution requires states to guarantee adequate legal representation to every indigent criminal defendant, both at trial level, and on appeal from any conviction involving a sentence of imprisonment. Under S.C. Code §17-4-10, the South Carolina Office of Appellate Defense discharges the state's constitutional obligation to provide indigent citizens convicted of crimes with representation on appeal to the South Carolina Supreme Court, and Court of Appeals.

The Office mainly interacts with the Attorney General's Office as to whom we are adversaries in the appellate courtroom. The relationship is therefore not unlike that of two law firms who are adversaries on an appeal. To the extent consistent with our professional responsibility, this office endeavors to cooperate with the Attorney General's Office in matters of docketing, assembly of records on appeal, presentation of exhibits, and the like.

The Office of Appellate Defense has a single goal, which is to provide effective legal representation on appeal to indigent criminal defendants. With two vacant positions, the office employs eight attorneys specializing in appellate law. During fiscal year 2002-2003 the agency opened 1254 cases, up from 1131 the previous fiscal year. Agency structure and legal specialization allowed the Office of Appellate Defense to represent its clients at an average cost of \$885.00 per case during the fiscal year, including printing and administrative costs.

The chief barrier affecting success is the severe decrease in funding in the past two years which has required not filling two attorney positions and an open secretarial position in order to come in under budget. Media articles are indicating additional steep budget cuts. Moreover,

supplemental non-recurring funding which the agency has utilized to manage its deficit was exhausted before the end of the fiscal year. Appellate Defense implemented a mandatory 10-day furlough program, eliminated paid employee training and professional development, and cancelled its law library subscriptions in an effort to manage these budget restrictions. Further reductions will substantially impair the agency's ability to handle its current caseload with requisite quality.

## **Business Overview**

During the fiscal year, the Office of Appellate Defense was housed in the NBSC Building on Main Street in Columbia, S.C. In September 2003, the agency relocated to the Edgar Brown Building on the Capital Complex. The office consists of eighteen employees with three vacant positions. The Agency Director manages both administrative and legal departments, also serving as Chief Attorney with a caseload that of the Assistant Appellate Defenders. Appellate Defense obtains operational services primarily through government organizations such as Information Resources printing facilities, General Services Inter-Agency Mail and Supply services and other state and state contract private vendors. This, along with the agency's specialization in appellate law, allowed cases to be completed with minimal expenditures, achieving the state's goal of an expeditious and cost efficient judicial process. Due to budget reductions, a special proviso allowed Appellate Defense to utilize supplemental non-replenished funds to assist in meeting these associated costs. These funds were exhausted during the fiscal year.

## Base Budget Expenditures and Appropriations

	01-02 Actual Expenditures		02-03 Actual Expenditures		03-04 Appropriations Act	
Major Budget Categories	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$759,715	\$759,715	\$694,449	\$694,449	\$608,855	\$608,855
Other Operating	\$91,865	\$91,865	\$91,865	\$91,865	\$91,865	\$91,865
Special Items	\$15,000	\$15,000	\$53,186	\$53,186	\$	\$
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$203,215	\$203,215	\$191,340	\$191,340	\$184,010	\$184,010
Non-recurring	\$	\$	\$	\$	\$	\$
<b>Total</b>	<b>\$1,069,795</b>	<b>\$1,069,795</b>	<b>\$1,030,840</b>	<b>\$1,030,840</b>	<b>\$884,730</b>	<b>\$884,730</b>

## Other Expenditures

Sources of Funds	01-02 Actual Expenditures	02-03 Actual Expenditures
Supplemental Bills	\$154,165	\$81,826
Capital Reserve Funds	\$	\$
Bonds	\$	\$

## Interim Budget Reductions

Total 01-02 Interim Budget Reduction	Total 02-03 Interim Budget Reduction
\$78,774	\$89,393

**Leadership**

Appellate Defense is comprised of two groups: attorney and administrative support. Senior administrative staff supervises based on experience and leadership skills perfected through supervisor training. Senior attorneys supervise and advise based on their experience, expertise, and training via annual continuing legal education. Due to the small number of employees, the organizational structure is extremely functional. Senior representatives of both areas resolve issues of conflict. All employees are encouraged and allowed to offer input towards the agency's mission. Suggestions are reviewed and considered based on administrative and fiscal merit.

Both office groups work in harmony to achieve one specific goal: that of maximum effectiveness and cost efficiency in the legal representation of our clients. The attorney staff generates substantive legal work products. The administrative staff ensures the product is professionally packaged, filed, published, and delivered. Attorney staff members are expected to maintain and keep current their legal knowledge and reduce the same to written form for their cases. The administrative staff must maintain calendar dates, deadlines and appropriate records to facilitate smooth flow of attorney management and preparation of the case products.

Attorney staff members must have an ability to research and write accurate and persuasive legal documents on behalf of their clients. Administrative staff members are judged on their supervisor's and attorneys' view of their ability to reproduce their finalized product accurately with minimal supervision and direction, which comes from experience and initiative. An implemented system of checks and balances facilitates an office goal of efficiency. Manual calendaring integrated with a computerized case management system empowers each employee with deliverable knowledge allowing uninterrupted output of the agency's service.

Employees follow published policies and procedures that allow and encourage staff members to seek and request training in their respective fields. Education and training is offered based on perceived benefit to the agency and available funding. Providing a well-trained and experienced workforce ensures that the agency can offer effective representation to its clients in a cost efficient manner.

### **Strategic Planning**

With a single endeavor, attention is focused on client representation. The agency operates with the understanding that its service will be provided as mandated by the U.S. Constitution. The Office of Appellate Defense plans this service with both client and community in mind. Failure to provide adequate representation may result in duplicated or additional legal filings in the appellate courts, and potential costly legal actions against the state. With this in mind, the Office of Appellate Defense strives to maintain a staff capable of providing this service effectively and cost efficiently.

The agency has a low percentage of attrition in both legal and administrative staff. With 50 percent of the legal staff having an average of more than fifteen years experience in appellate law, effectiveness and training of associates are available. However, there is a concern that caseload has increased approximately 10 percent annually over the past decade while one administrative and two attorney positions remain vacant due to budget cuts. The office plans its operations based on cases assigned by the Appellate Courts. Each case is given due attention, and processed effectively at the most reasonable cost available to the agency, utilizing state agencies as suppliers when available.

## **Customer Focus**

The Office of Appellate Defense represents clients assigned by the S.C. Supreme Court. Representation is guided by S.C. Appellate Court Rules. Attorneys acknowledge these guidelines of representation to each client at the time of assignment, and maintain communications with clients throughout the appellate process.

## **Information and Analysis**

Collection and analysis of data has not been funded for implementation.

## **Human Resources**

Employees' motivation comes in large part from the intimate nature of our staff design. Working in teams of attorney and support, with the knowledge base to assume virtually any case assignment, there is a high level of confidence among the staff. Continual monitoring and input by senior staff members and supervisors encourage this knowledge and training. All staff members are free and willing to offer input, in the form of questions or suggestions, into the agency's operations. While no formal assessment measures are implemented, employee well being and satisfaction are monitored by close proximity of agency administration to its staff.

Staff members are allowed time to participate in relevant community activities. Administrative support has spoken at a conference of the state's court reporters offering an opportunity for communications and an understanding of agency's operating needs and guidelines. Appellate Defense legal staff, with their expertise in appellate law, cooperate regularly with trial practitioners throughout the state.

## **Process Management**

Case materials are prepared and delivered manually to the S.C. Supreme Court, Court of Appeals and Attorney General. The requirements of these productions are managed physically by the agency's legal and support staff. A computerized case management system is monitored and updated ensuring adherence to Appellate Court Rules. The agency makes every effort to communicate freely and cooperate with counties, court reporters, and agencies that supply materials necessary for the perfection of appellate cases.

## **Results**

The Office of Appellate Defense bases its success on its ability to deliver effective representation of its clients at a cost that is both reasonable and acceptable to the citizens of South Carolina. During fiscal year 2002-2003 the agency opened 1254 new cases. Agency structure and legal specialization allowed the S.C. Office of Appellate Defense to represent these clients at an average all-inclusive cost of \$885.00 per case.